



SALT RIVER

PIMA-MARICOPA INDIAN COMMUNITY

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February 2, 2007

VIA ELECTRONIC MAIL

Office of Indian Energy and Economic Development

Attn: 1813 ROW Study

Room 20 – South Interior Building

1951 Constitution Ave, NW

Washington, DC 20585

iced@bia.edu

RE: Comments on Section 1813 Rights of Way Study

Dear Sirs:

The Salt River Pima-Maricopa Indian Community (SRPMIC) has reviewed the December 21, 2006 *Report on Energy Rights of Way on Tribal Land* ("Report") and offers the following comments. In addition, the SRPMIC incorporates by reference, our comments submitted on May 17, 2006.

The revised Report analyzes the historical perspective and draws the appropriate conclusion that tribal governments have the sovereign authority to negotiate agreements that impact its lands. Specifically, the Report reads in part, "[a] tribe's determination of whether to consent to an energy ROW across its land is an exercise of its sovereignty and an expression of self determination." (Report, p. 19) Tribal governments must continue to have the ability to negotiate energy agreements in an appropriate manner and at an appropriate value that serves the best interest of the individual tribes. This involves a business-like approach to dealing with the energy industry in the same manner that tribal governments handle any other business transaction.

Tribes exercise their inherent authority as a sovereign to determine what business agreements are in their best interest and with whom to do business. Such determinants are not based strictly on economic gain, but must include others aspects such as environmental impacts to the natural resources of a finite land base and cultural considerations that are the heart and spirit of any Indian Community.

SRPMIC would like to emphasize the Report's finding that there is "no evidence that negotiations between parties for obtaining an energy ROW on tribal land contributed to any emergency situation" (Report, p. 9). This finding specifically demonstrates that negotiations and agreements are established on a consistent basis between tribes and the energy industry. Any changes to the current practice would amount to providing a remedy where none is needed. In essence, the old adage applies: "if it isn't broke, don't fix it".

Towards this end the Salt River Pima-Maricopa Indian Community (SRP-MIC) strongly supports the final recommendation that matters remain status quo, to be reviewed by Congress on a case-by-case basis. (Report, Sec. 8.3, p. 45)

The Salt River Pima-Maricopa Indian Community highly the concepts expressed in the Joint Comments submitted by the CERT and the NCAI and the recommendation of the revised draft *Report to Congress – Energy Policy Act of 2005, Section 1813 – Indian Land Rights-Of-Way Study*.

We thank you for your time and for the opportunity to respond to the Report. Should you have any questions, please contact Christopher Champion at 480 362-7474.

Sincerely,



Diane Enos
President

Xc: Office of Congressional and Affairs
Office of the General Counsel